IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 1034 of 1997

Between:

1. Pedapudi Ramakrishna Paramahamsa s/o late Subrahmanyam
aged about 45 year, Occ: Archaka of Sri Malleswara Swamy

Temple, Madduru (V), Kovvuru Mandalam, W.G. Dist.
2. Pedapudi Palashankaram s/o late Subrahmanyam
aged about 40 years, Occ: Archaka of Sri Malleswara Swamy

Temple, r/o Madduru Village, Kovvuru Mandalam, W.G. Dist.
3. Pedapudi Lakshminarayana s/o late Subrahmanyam
aged about 33 years, Occ: Archaka of Sri Malleswara Swamy

Temple, Madduru (V). Kovvuru Mandalam, W.G. Dist.
4. Smt. Pedapudi Suryakantham w/o late Subrahmanyam
aged about 65 years, Occ: House-hold,

r/o Madduru Village, Kovvuru Mandalam, W.G. Dist.

..... PETITIONERS

AND

1. The District Collector,
West Godavari District, Eluru.
2. The Revenue Divisional Officer-cum-Land Acquisition Officer,

Kovvuru Division, Kovvuru, W.G. Dist.
3. The Mandal Revenue Officer,

Kovvuru Mandalam, Kovvuru, W.G. Dist.
4. The Asst. Commissioner of Endowments,
Eluru, W.G. Dist. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of a Writ of Mandamus, declaring the land acquisition proceedings taken out in file No. F5/31/96 in pursuance of the Notification No.39 of the West Godavari District Gazette, Dated 14-2-1996 under the Land Acquisition Act in respect of Sy.No. 102, situate at Madduru Village, Kovvuru Mandalam, West Godavari District, as illegal, void arbitrary and quash the same.

Counsel for the Petitioner: MR.C.R.PRATAP REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

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ORDER:

Petitioners, who are the Archakas performing daily poojas of Sri Malleswara Swamy Temple, claim that they are in possession of property in an extent of Ac.10-65 cents in S.No.102 and Ac.4-63 in S.No.87 of Madduru Village, Kovvuru Mandalam, and enjoying the usufructs for rendering Archakatwam to the temple. The said lands were sought to be acquired by the respondents, for providing house sites to the weaker sections, by issuing notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short "the Act") on 11-2-1996. Petitioners' grievance is that the respondents are likely to issue notice under Section 9 (1) of the Act for taking possession of the property, dispensing with the enquiry under Section 5-A of the Act, and the present acquisition proceedings are misuse of powers and they cannot be deprived of their rights over the said land. Therefore, they filed the present writ petition contending that there is suitable land available in S.No.116 apart from 80 acres of vacant land in the village.

In the counter filed by the respondents it is categorically stated that the possession of the land was taken in advance on 10-7-1996 after expiry of the time of fifteen days from the publication of the notice under Sections 9(1) and 10 of the Act. Further it is stated that the lay out of the said land was also approved by the second respondent on 31-12-1996, and distributed the same to the landless poor persons, and total amount of the compensation was also paid to the Assistant Commissioner of Endowments, Eluru through D.D. dated 10-7-1996.

This Court initially granted stay for a period of one week on 27-1-1997, but the same was not extended after recording the submission made by the learned Government Pleader that 80 % of the compensation was already paid on 4-2-1997.

In view of the same, no cause survives to be adjudicated in the writ petition. If the

petitioners have any right to receive the compensation for the acquired land, or remuneration for rendering Archakatwam, proper remedy for the petitioners is to move the officials of the Endowments Department for such claims.

Accordingly, the Writ Petition is dismissed. No costs.

19-11-2004

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Copy to:

1. The District Collector,
   West Godavari District, Eluru.
2. The Revenue Divisional Officer-cum-Land Acquisition Officer,

Kovvuru Division, Kovvuru, W.G. Dist.
3. The Mandal Revenue Officer,

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4. The Asst. Commissioner of Endowments,
   Eluru, W.G. Dist.

5. Two CCs to the G.P. for Land Acquisition, (Social Welfare)

High Court Buildings, High Court of A.P., Hyderabad.(O.U.T.)

6. Two CD copies.